

### REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-22 and 26-32 are currently pending in this application. Claims 23-25 have been cancelled. Claims 12-22 and 26-31 have been withdrawn from further consideration. No new matter has been added by way of the present amendment. For instance, the amendment to claim 1 is supported by the Specification as originally filed at, for example, paragraph [0037]. The amendment to claim 2 is merely editorial and non-narrowing in nature. New claims 32 finds support at paragraph [0041]. Accordingly, no new matter has been added.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

#### Issues Under 35 U.S.C. § 102

Claims 1-5, 8-10, 23, and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Furusawa (U.S. Patent Application Publication No. 2004/0005739) (hereinafter "Furusawa"). Applicants respectfully traverse.

The Examiner asserts that Furusawa discloses an active matrix display device having a plurality of thin film transistors disposed in a matrix on an insulating substrate, and further comprising wiring connected to the thin film transistors, wherein the active matrix display device comprises a flattening layer surrounding said wiring, and wherein a surface of said wiring and a surface of said flattening layer form substantially the same plane.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of anticipation. For anticipation under 35 U.S.C. §102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. Any feature not directly

taught must be inherently present. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present". *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999). The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.*

The present invention is directed, *inter alia*, to an active matrix display device having a plurality of thin film transistors disposed in a matrix on an insulating substrate and wiring connected to the thin film transistors, comprising a flattening layer surrounding the wiring, wherein a surface of the wiring and a surface of the flattening layer form substantially the same plane (see, e.g., claim 1). Moreover, as amended, the present claims require that the active matrix display device comprises an interlayer insulating film on the plane formed by the surface of the wiring and the surface of the flattening layer, and a pixel electrode on the interlayer insulating film. As a result of the novel features of the claimed active matrix display device (e.g., a flat structure with no level different shape), it is possible to obtain an excellent display with less degradation of display elements, and, furthermore, the pixel electrode can be enlarged (see paragraph [0032] in the original specification).

As noted by the Examiner, Furusawa may disclose that a surface of the wiring (element 26: data line) and a surface of the flattening layer (element 20: polyimide film) form substantially the same plane (see Figs. 3 and 8; see also paragraph [0095]). However, Furusawa does not in any way teach that an interlayer insulating film is formed on the plane formed by the surface of said wiring (data line 26) and the surface of said flattening layer (polyimide film 20),

or that a pixel electrode is formed on said interlayer insulating film (see also Figs. 3 and 8, and paragraph [0095]).

The Examiner's attention is respectfully directed to Figure 3 and paragraph [0060] in Furusawa, where it is disclosed that source/drain region 22 is electrically connected to the pixel electrode 24 through a connecting portion 28, and the other source/drain region 22 is electrically connected to the data line 26 through a connecting portion 29. In Fig. 3, Furusawa discloses that the connecting portion 29 and the antireflection film 30 are formed on the data line 26 and the polyimide film 20, and that the pixel electrode 24 is formed on the color filter 23, the polyimide film 20, and the connecting portion 28.

Clearly, Furusawa does not teach that an interlayer insulating film is formed on the plane formed by the surface of the wiring and the surface of the flattening layer, or that a pixel electrode is formed on the interlayer insulating film.

In view of the above, reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 103(a)

**Claim 6**

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Furusawa in view of Miyaki et al. (WO 03/033454) (hereinafter "Miyaki"). Applicants respectfully traverse.

The Examiner acknowledges that Furusawa fails to teach the particular resin composition claimed, and relies on Miyaki to cure the deficiencies of Furusawa. Specifically, the Examiner argues that Miyaki discloses an alkali-soluble alicyclic olefin resin insulator composition, and

further argues that it would have been obvious to one of ordinary skill in the art to “form the flattening layer from the proposed resin composition.”

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int’l Co. v Teleflex Inc.*, 82 USPQ 2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the “teaching, suggestion, motivation test” is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the Examiner’s position appears to be based on a misunderstanding of the teachings of Miyaki. Contrary to the Examiner’s assertion, Miyaki does not teach or suggest an alkali-soluble alicyclic olefin resin. Rather, Miyaki discloses a general alicyclic olefin resin having alkali resistance (see col. 1, line 42 of U.S. 6,846,890, which is the English language equivalent of Miyaki). Applicants submit that an alicyclic olefin resin having alkali resistance is significantly different from an alkali-soluble alicyclic olefin resin.

Evidently, the cited references, alone or in combination, fail to teach or suggest every limitation of the instant invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Claims 7, 11 and 25**

Claims 7, 11 and 25 stand rejected under 35 U.S.C. 103(a) as being obvious over Furusawa in view of secondary references. Applicants respectfully traverse.

As noted above, Furusawa fails to teach an active matrix display device as claimed. The secondary references fail to cure the deficiencies of Furusawa, as they all fail to teach or suggest an active matrix display device comprising an interlayer insulating film on the plane formed by the surface of the wiring and the surface of the flattening layer, and further comprising a pixel electrode on the interlayer insulating film.

Moreover, Applicants respectfully submit that the skilled artisan would not have been motivated to modify the references as proposed. In Furusawa, the partition walls (e.g., the polyimide film 20) are formed to surround peripheries of first regions for forming the pixel regions (comprising color filters 23 and pixel electrodes 24) (see also claim 2 in Furusawa). As such, providing an interlayer insulating film on the plane formed by the surface of the wiring (data line 26) and the surface of the flattening layer (polyimide film 20) and forming a pixel electrode on the interlayer insulating film would be opposite to the disclosure of Furusawa. It is not possible to arrive at the present invention based on Furusawa.

Because the invention, as set forth in Applicants' claims, is not disclosed or made obvious by the cited prior art, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

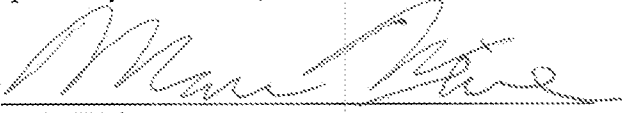
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Vanessa Perez, Registration No. 61158 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

Marc S. Weiner  
Registration No.: 32181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000